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No. 636.

FILED
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CHARLES ELMORE CROPLEY
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Pet- 166

IN THE

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U.S.C.C.A.

Supreme Court of the United States

OCTOBER TERM, 1937.

ELECTRIC BOND AND SHARE COMPANY, *et al.*,
Petitioners,

v.

SECURITIES AND EXCHANGE COMMISSION, *et al.*

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

MOTION TO CONTINUE ACTION AGAINST SUCCESSORS IN OFFICE.

IN THE

Supreme Court of the United States

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ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

Motion to Continue Action Against Successors in Office.

The appellants, by their solicitors, say that two of the cross-defendants, respondents in the above entitled action, to wit, James M. Landis and James D. Ross, sued as members of the Securities and Exchange Commission, during the pendency of this suit, resigned their offices, and Jerome N. Frank and John W. Hanes became, on the 27th day of December, 1937, and the 14th day of January, 1938, respectively, the successors in office to said James M. Landis and James D. Ross.

WHEREFORE, on the annexed stipulation, the appellants move that the said Jerome N. Frank and John W. Hanes be substituted as parties in this proceeding in lieu of the said James M. Landis and James D. Ross.

Notice of the motion has been given to opposing counsel.

Respectfully submitted,

THOMAS D. THACHER,
JOHN F. MACLANE,
Solicitors for the Appellants.

January 26, 1938.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1937.

No. 636.

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ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT.

Stipulation.

IT IS HEREBY STIPULATED AND AGREED, by and between the solicitors for all the appellants and respondents herein, as follows:

1. That the Acting Solicitor General represents in this proceeding James M. Landis and James D. Ross, who resigned from the Securities and Exchange Commission during the time this proceeding was pending.

2. That the Acting Solicitor General is authorized to appear generally herein on behalf of Jerome N. Frank and John W. Hanes, who were duly appointed members of the Securities and Exchange Commission and entered upon their duties as such on December 27, 1937, and January 14,

1938, respectively, and are still members of said Commission.

3. That the Acting Solicitor General does hereby appear in this proceeding on behalf of the said Jerome N. Frank and John W. Hanes for the purpose of making them parties in this proceeding in lieu and in stead of the said James M. Landis and James D. Ross.

4. That the allegations of the counterclaim and cross-bill of the defendants as made against the cross-defendants, James M. Landis and James D. Ross shall be deemed to be made as against the substituted defendants, Jerome N. Frank and John W. Hanes, in so far as they may be applicable, without amendment of said counterclaim and cross-bill, and, similarly, the denials and allegations of the reply to said counterclaim and cross-bill shall be deemed to have been made by said Jerome N. Frank and John W. Hanes, without amendment of said reply. Nothing herein contained shall be construed as a waiver by the original cross-defendants or substituted cross-defendants of any objection to the sufficiency of the counterclaim or cross-bill taken by the reply thereto.

5. That there is a substantial need for continuing and maintaining such cause and obtaining an adjudication of the questions involved against Jerome N. Frank and John W. Hanes.

Dated, January 26, 1938.

THOMAS D. THACHER,
JOHN F. MACLANE,
Solicitors for the Appellants.

GOLDEN W. BELL,
Acting Solicitor General.